

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

JOHN N. GLANG (GUAMBN 94012)
Assistant United States Attorney

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408)-535-5084
Fax: (408)-535-5066
E-Mail: John.Glang@usdoj.gov

Attorneys for Plaintiff

FILED

JAN 08 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

TOMMY McINTOSH, JR.,
Defendant.

No. CR 08-00377-RMW

TRIAL STIPULATIONS

The below parties hereby enter into the following formal stipulations for purposes of trial in this case:

(1) On a date prior to February 1, 2008, the defendant, Tommy McIntosh, Jr., was convicted of a crime punishable by a term of imprisonment exceeding one year.

(2) If called to testify as a witness in this case, Terry W. Owens would testify that he is employed as a Fingerprint Specialist in the Latent Print Operations Unit of the FBI Laboratory in Quantico, Virginia. He would further testify that in that capacity, he examined Government's Trial Exhibit 1 (a Rohm, Model 38S, .38 caliber revolver, Serial

1 Number FF 33146) at said laboratory and concluded in a written Report of Examination
2 dated September 26, 2008 that no latent fingerprints of value were detected on the
3 revolver. He would further testify that he also examined Government's Trial Exhibit 2
4 (six loose rounds of .38 caliber ammunition containing the head-stamp "CCF") and
5 concluded in a written Report of Examination dated August 13, 2008 that no latent
6 fingerprints of value were detected on the ammunition.

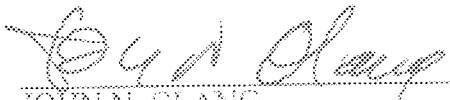
7 (3) If called to testify as a witness in this case, Sutton Peirce would testify that she is
8 employed as a Visual Information Specialist in the Automated Litigation Support Unit of
9 the United States Attorney's Office in the Northern District of California. She would
10 testify that on December 12, 2008, she traveled to Hollister, California for the purpose of
11 visiting the residence at 911 Hillcrest Road and taking measurements and photographs of
12 the interior and exterior of the residence. She would further testify that she prepared the
13 diagrams of the interior and exterior of the residence marked as Government's Trial
14 Exhibits 18 and 19, respectively; that they are fair and accurate diagrams of the interior
15 and exterior of the residence; and that the measurements that appear on the diagrams are
16 accurate. She would further testify that she prepared Government's Exhibit 20 (the aerial
17 photograph of 911 Hillcrest Road and the surrounding vicinity) based on an Internet
18 search and screen captures she made from the Google Maps website. The parties further
19 stipulate that Government's Exhibits 18, 19, and 20 are admissible into evidence at trial
20 in this case.

21 (4) The three photographs marked as Government's Exhibits 29a through 29c were taken by
22 Sutton Peirce on December 12, 2008 and are fair accurate and accurate depictions of the

1 exterior of the residence at 911 Hillcrest Road, Hollister. The parties further stipulate that
2 Government's Exhibits 29a through 29c are admissible into evidence at trial in this case.
3

4 IT IS SO STIPULATED.

5 DATE: 1/8/2009


JOHN N. GLANG
Assistant United States Attorney

6
7 DATE: 1/8/09


TOMMY MCINTOSH, JR.
Defendant

8
9
10 DATE: 1/8/09


MARY E. CONN
Attorney for Tommy McIntosh, Jr.